

### III. REMARKS

#### A. Status of the Claims

The Office Action mailed October 16, 2007 has been received and carefully considered. Claims 1-2, 5-8 and 12-22 are pending. Claims 3, 4, 9, 10 and 11 remain cancelled. No claims have been amended, added or withdrawn. Applicant respectfully requests reconsideration of the rejections of the pending claims for at least the following reasons.

#### B. Claim Objection

The Office Action objects to claim 22 as having an incorrect claim status identifier in Applicant's Response to Office Action Under 37 C.F.R. § 1.111 dated July 30, 2007. Applicant submits that the claim status identifier for claim 22 has been corrected and the objection to claim 22 is now rendered moot.

#### C. Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejects claims 1-2, 5-8 and 12-22 as allegedly rendered obvious by U.S. Publication No. 2004/0198220 to Whelan et al. ("Whelan") in view of U.S. Publication No. 2001/0023446 to Balogh ("Balogh") and U.S. Patent No. 5,661,806 to Nevoux et al. ("Nevoux"). Applicant traverses the rejection because the Office Action has failed to establish a prima facie case of obviousness.

In order to establish a prima facie case of obviousness, at least three criteria must be met. First, there must be some motivation or suggestion to make the proposed combination or modification of the references. Even in light of KSR v. Teleflex, 127 S. Ct. 1727 (2007), there must be a showing of a "teaching, suggestion or motivation" to make the proposed combination or modification of references. Second, there must be a reasonable expectation of success. Finally, the combined or modified references must teach or suggest all claim limitations. See MPEP § 2142 et seq.

The Office Action fails to establish a prima facie case of obviousness because the proposed combination does not teach or suggest all of the claim limitations of the rejected claims.

Independent claim 1 recites: “transmitting, by the client to the computing device, a first challenge, wherein said first challenge comprises an encrypted first random number and said unique identifier associated with said client” (emphasis added) and independent claim 15 similarly recites: “transmit, by the client to the one of said one or more computing devices, a first challenge, wherein the first challenge comprises an encrypted first random number and said unique identifier” (emphasis added).

First, Applicant respectfully submits that the Office Action fails to identify any disclosure in Whelan, Balogh or Nevoux of the above claim 1 and claim 15 limitations.

Second, notwithstanding such, Applicant submits that neither Whelan, Balogh nor Nevoux, alone or in combination, disclose or suggest all of the claim limitations of claim 1 or claim 15.

Regarding Whelan, the Office Action cites to Fig. 2A, item 50 as disclosing the claim limitation: “transmitting a first challenge.” Applicant submits that even if Whelan discloses such claim limitation, which Applicant makes no such admission, Whelan does not disclose the entire claim 1 and claim 15 respective limitations: “transmitting, by the client to the computing device, a first challenge, wherein said first challenge comprises an encrypted first random number and said unique identifier associated with said client” (emphasis added) and “transmit, by the client to the one of said one or more computing devices, a first challenge, wherein the first challenge comprises an encrypted first random number and said unique identifier” (emphasis added). While Whelan may disclose that a mobile unit 28 “initiates an association process 50 to an access point 20” (paragraph [0049]), Applicant can locate no disclosure in Whelan of the claim 1 or claim 15 limitations.

Neither Balogh nor Nevoux cure this deficiency. While Balogh may disclose a smart card SC having information sets stored thereon (paragraph [0030]) and, in some embodiments, comprising a security logic SEC for features such as checking a personal identity number (“PIN”) (paragraph [0032]), Applicant can locate no disclosure in Balogh of the claim 1 and claim 15 respective limitations: “transmitting, by the client to the computing device, a first challenge, wherein said first challenge comprises an encrypted first random number and said unique identifier associated with said client” (emphasis added) and “transmit, by the client to the

one of said one or more computing devices, a first challenge, wherein the first challenge comprises an encrypted first random number and said unique identifier" (emphasis added).

Additionally, while Nevoux may disclose a user presenting a module SIM to a terminal and the module SIM first transmitting to the terminal PA the user identification parameter, IMUI (col. 4, ll. 40-45), and the module SIM next transmitting session key,  $K_s$ , to the terminal PA (col. 4, ll. 57-58), Applicant can find no disclosure in Nevoux of the claim 1 and claim 15 respective limitations: "transmitting, by the client to the computing device, a first challenge, wherein said first challenge comprises an encrypted first random number and said unique identifier associated with said client" (emphasis added) and "transmit, by the client to the one of said one or more computing devices, a first challenge, wherein the first challenge comprises an encrypted first random number and said unique identifier" (emphasis added).

Accordingly, neither Whelan, Balogh nor Nevoux, alone or in combination, disclose or suggest all of the claim limitations of claim 1 and claim 15. Therefore, because the proposed combination fails to disclose or suggest all claim elements, Applicant respectfully requests that the rejection of claim 1 and claim 15 be withdrawn and that these claims be allowed.

Claims 2, 5-8 and 12-14 depend from and incorporate each limitation of claim 1 while claims 16-22 depend from and incorporate each limitation of claim 15. See 35 U.S.C. § 112, ¶ 4. Therefore, claims 2, 5-8, 12-14 and 16-22 are allowable at least based on their dependencies on their respective independent claims, as well as for their additional limitations. Accordingly, Applicant respectfully requests that the rejection of claims 2, 5-8, 12-14 and 16-22 be withdrawn and that these claims be allowed.

#### **IV. Conclusion**


In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an indication of the same is courteously solicited. Examiner Lashley is cordially invited to contact the undersigned by telephone at the below-listed telephone number, in order to expedite resolution of any outstanding issues.

For all fees that are necessary, including any fee to enter this Response and/or to maintain the present application pending, including fees for extensions of time, please charge such fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,  
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